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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/471,200	12/23/1999	Yuval Bachrach	42390.P7291	7140

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EXAMINER

SERRAO, RANODHI N

ART UNIT

PAPER NUMBER

2189

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Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/471,200	BACHRACH, YUVAL
Period for Reply	Examiner	Art Unit
	Ranodhi Serrao	2181

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on \_\_\_\_\_.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-15 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-15 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 23 December 1999 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a)  The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____	6) <input type="checkbox"/> Other: _____

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3, 5, 7, 9, 10, 11, and 12 are rejected under 35 U.S.C. 102(b) as being

anticipated by Engdahl et al. (5,493,571).

3. As per claim 1, Engdahl et al. teaches a PHY to provide data to a MAC via PHY-to-MAC words (Specification, column 6, line 61 – column 7, line 6); and to receive data and commands from the MAC via MAC-to-PHY words (Specification, column 9, lines 12-20); the PHY comprising: at least one PHY-to-MAC port to provide signals indicative of the PHY-to-MAC words; at least one MAC-to-PHY port to receive signals indicative of the MAC-to-PHY words (Specification, column 14, lines 5-30); and a register to store a pointer to a memory location so as to provide identification information about the PHY (Specification, column 36, lines 1-12).

4. As per claim 3, Engdahl et al. disclose the claimed invention as described above and furthermore teaches a MAC to provide data and commands to a PHY via MAC-to-PHY words (Specification, column 9, lines 12-20); and to receive data from the PHY via PHY-to-MAC words (Specification, column 16, lines 12-20); the MAC comprising: at least one MAC-to-PHY port to provide signals indicative of the MAC-to-PHY words; at least one PHY-to-MAC port to receive signals indicative of the PHY-to-MAC words (Specification, column 14, lines 5-30); wherein the at least one PHY-to-MAC port receives a signal indicative of a pointer to a memory

location so as to provide identification information about the PHY (Specification, column 36, lines 1-12).

5. As per claim 5, Engdahl et al. disclose the claimed invention as described above and furthermore teaches a MAC to provide data and commands to a PHY via MAC-to-PHY words (Specification, column 9, lines 12-20); and to receive data from the PHY via PHY-to-MAC words (Specification, column 6, lines 12-20); wherein the MAC comprises: at least one MAC-to-PHY port to provide signals indicative of the MAC to-PHY words; and at least one PHY-to-MAC port to receive signals indicative of the PHY-to MAC words (Specification, column 14, lines 5-30); wherein the at least one PHY-to-MAC port receives a signal indicative of a pointer to a memory location so as to provide identification information about the PHY (Specification, column 36, lines 1-12).

6. As per claims 7, 10, and 12 Engdahl et al. disclose the claimed invention as described above and furthermore teaches comprising a register, wherein the chipset loads the identification information into the register (Specification, column 36, lines 1-12).

7. As per claim 9 Engdahl et al. disclose the claimed invention as described above and furthermore teaches a computer system comprising (Specification, column 5, lines 8-31); a first memory device (Specification, column 18, lines 14-17); a MAC (Specification, column 5, lines 48-60); a PHY to provide data to the MAC via PHY-to-MAC words (Specification, column 6, line 61 – column 7, line 6); and to receive data and commands from the MAC via MAC-to-PHY words (Specification, column 9, lines 12-20); the PHY comprising: at least one PHY-to-MAC port to provide signals indicative of the PHY to-MAC words; at least one MAC-to-PHY port to receive signals indicative of the MAC to-PHY words (Specification, column 14, lines 5-30); and

a register to store a pointer to a memory location in the first memory device so as to provide identification information about the PHY (Specification, column 36, lines 1-12).

8. As per claim 11 Engdahl et al. disclose the claimed invention as described above and furthermore teaches a processor (Specification, column 4, line 61); system memory (Specification, column 18, lines 14-17); secondary memory to store a device driver for the PHY (Specification, column 21, lines 22-42); wherein the processor loads the device driver from the secondary memory into system memory based upon the identification information (Specification, column 20, line 56 – column 21, line 8).

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 2, 4, 6, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Engdahl et al. as applied to claims 1, 3, 5, and 7 above, and further in view of Findlater et al. (6,385,208). Engdahl et al. teaches the inventions described above in claims 1, 3, 5, and 7. Engdahl et al. does not teach comprising at least one Reset/Sync port to receive a signal to provide synchronization so that the PHY-to-MAC words and MAC to-PHY words are synchronized into pairs, wherein a pair comprises one MAC-to-PHY word and one PHY-to-MAC word. Findlater et al. teaches comprising at least one Reset/Sync port to receive a

signal to provide synchronization so that the PHY-to-MAC words and MAC to-PHY words are synchronized into pairs (Specification, column 7, lines 7-28); wherein a pair comprises one MAC-to-PHY word and one PHY-to-MAC word (Specification, column 4, lines 17-39). At the time the invention was made, it would be obvious to a person of ordinary skill in the art to include comprising at least one Reset/Sync port to receive a signal to provide synchronization so that the PHY-to-MAC words and MAC to-PHY words are synchronized into pairs, wherein a pair comprises one MAC-to-PHY word and one PHY-to-MAC word as taught by Findlater et al. in the method of Engdahl et al. because synchronizing the words into pairs makes the transfer more efficient.

.11. Claim 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Engdahl et al. as applied to claims 9, 11, and 12 above, and further in view of Gulick et al. (6,314,501). Engdahl et al. teaches a computer system comprising; a first memory device; a MAC; a PHY to provide data to the MAC via PHY-to-MAC words; and to receive data and commands from the MAC via MAC-to-PHY words; the PHY comprising: at least one PHY-to-MAC port to provide signals indicative of the PHY to-MAC words; at least one MAC-to-PHY port to receive signals indicative of the MAC to-PHY words; and a register to store a pointer to a memory location in the first memory device so as to provide identification information about the PHY. A processor; system memory; secondary memory to store a device driver for the PHY; wherein the processor loads the device driver from the secondary memory into system memory based upon the identification information. Engdahl et al. does not teach a second memory device to store BIOS, wherein the processor loads the device driver independently of loading the BIOS. Gulick et al. teaches a second memory device to store BIOS (Specification, column 30, lines 53-54); wherein

the processor loads the device driver independently of loading the BIOS (Specification, column 55, lines 43-51). At the time the invention was made, it would be obvious to a person of ordinary skill in the art to include a second memory device to store BIOS, wherein the processor loads the device driver independently of loading the BIOS as taught by Gulick et al. in the method of Engdahl et al. because the bios would slow down the process of loading the device driver.

12. As per claim 15, Engdahl et al. disclose the claimed invention as described above in claims 9, 11, and 12 above. Furthermore Engdahl et al. teaches a system bus; and a chipset in communication with the system bus, wherein the MAC is integrated with the chipset (Specification, column 13, lines 21-39).

***Conclusion***

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Graziano et al. (5,708,779) teach a multimedia system and method of controlling data transfer between a host system and a network adapter using a dma engine.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ranodhi Serrao whose telephone number is (703) 305-8071. The examiner can normally be reached on M-F; 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Wong can be reached on (703) 305-3477. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

RNS  
October 4, 2002



PETER WONG  
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